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October 2, 2013

By ECF

Honorable Cheryl L. Pollak  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Eurohypo AG v. Travelers Property Casualty  
Company of America, No. 12-cv-372-SLT-CLP*

Dear Magistrate Judge Pollak:

We represent plaintiff Eurohypo AG, New York Branch, as Administrative Agent ("Eurohypo") in the above-referenced action. As Your Honor is aware, the parties to the above-referenced case and those in the related case styled *C.E. Flushing, LLC v. Travelers Property Casualty Company of America*, 11-cv-3477 (E.D.N.Y.) are actively engaged in settlement discussions. We received defendant's most recent proposed changes to the parties' written settlement agreement on Monday, September 30, 2013.

Throughout this process, Eurohypo and the Current Administrative Agent under the subject loan agreement have been conferring closely with separate counsel, Morrison Foerster, which represents those entities in connection with the subject loan agreement. Sadly, the Morrison Foerster attorney who represents Eurohypo and the Current Administrative Agent was hospitalized on Friday. We do not have any details on his condition, except that, as of Sunday, he expected to remain hospitalized for much of this week. Since Eurohypo and the Current Administrative Agent need to confer with him regarding defendant's proposed changes, we are uncertain at this time as to when we will be in a position to respond to those changes.

We hope to be able to provide the Court with further information during the

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telephonic status conference currently scheduled for October 9, 2013 at 9:30 a.m.

Respectfully submitted,

*/s/ Dennis J. Artese*

Dennis J. Artese

cc: All Counsel (by ECF)